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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,317	09/11/2003	James G. Vanden Eynden	0332	5389
26868	7590	11/17/2005	EXAMINER	
HASSE & NESBITT LLC 7550 CENTRAL PARK BLVD. MASON, OH 45040			WARD, JOHN A	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,317

Applicant(s)

VANDEN EYNDEN, JAMES G.

Examiner

John A. Ward

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 14-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09112003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Claims 14-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected 362/297 light source including a reflector, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 8, 2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is meant in the claim by the term "nadir"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by McReynolds, Jr. (US 4,028,542).

Regarding claim 1, McReynolds Jr., discloses parabolic type reflector system having a plurality of reflector elements 22, 24, disposed around a light source 14 generally adjacent to the lowest point of the light source to the highest light emitting point on the top of the light source and not physically enclosed by the reflector elements (figure 5).

Regarding claims 2 and 3, figure 7 of McReynolds Jr., shows how the reflector elements are shaped and positioned so that substantially all the light all of the light from the reflector is reflected at the same angle and does not reflect off any other elements of the luminaire and with each reflective element the light source reflects at varying angles.

Regarding claim 5, show that the reflector system of McReynolds Jr. shows a frame 10 attached to the luminaire.

Regarding claims 9 and 10, of McReynolds Jr. show how the reflector elements are placed symmetrically around the light source (figure 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4, 6, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McReynolds Jr. as applied to claim 1 above, and further in view of Grindle et al (US 4,254,456)

Regarding claims 4, 6, 7, 12 and 13, McReynolds Jr. discloses all the limitations of the claimed invention including reflectors having a plurality of sections and including other limitations as cited above, but does not disclose the shapes of the reflector elements having parabolic horizontal or elliptical vertical section or the reverse.

Regarding claims 4, 6, 7, 12 and 13 Grindle et al discloses luminaire having a lamp 6 having reflectors 4 surrounding only a portion of the lamp (figure 1), having a lens 3, wherein the reflectors have a horizontal plane that is elliptical and a vertical plane that is parabolic (claim 2) and wherein the reflectors have a horizontal plane that is elliptical and the vertical plane is parabolic (claim 4).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the luminaire or McReynolds Jr. with the reflectors of Grindle et al in order to provide a luminaire with a adequate light control to efficiently illuminate the work are as taught by Grindle et al (abstract).

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


The following is a statement of reasons for the indication of allowable subject matter: Nowhere in the prior art is found a luminaire having a light source with at least four reflector elements arranged in ninety degree increments symmetrically around the light source in a fashion to surround the light source in way that does not physically encloses the lamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is 571-272-2386. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAW
November 1, 2005



JOHN ANTHONY WARD
PRIMARY EXAMINER